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General Assembly

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A/RES/45/96
22 January 1991

Forty-fifth session
Agenda item 94

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/45/750)]

45/96. Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling that in the Charter of the United Nations the peoples of the United Nations declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling also the purposes and principles of the Charter to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Emphasizing the significance and validity of the Universal Declaration of Human Rights 1/ and of the International Covenants on Human Rights 2/ in promoting respect for and observance of human rights and fundamental freedoms,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

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Recalling further its resolutions relating to the right to development and its resolution 32/130 of 16 December 1977, in which it decided that the approach to future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Noting with concern that many of the principles enunciated therein have not yet been taken under consideration by the international community with all the necessary dynamism and objectivity,

Emphasizing also the special importance of the purposes and principles proclaimed in the Declaration on the Right to Development, 3/

Recalling Commission on Human Rights resolutions 1990/17 and 1990/18 of 23 February 1990, 4/

Taking into account the final documents of the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 5/

Reiterating that the right to development is an inalienable human right and that equality of development opportunities is a prerogative both of nations and of individuals within nations,

Expressing its particular concern about the progressive worsening of living conditions in the developing world and the negative impact thereof on the full enjoyment of human rights, and especially about the very serious economic situation of the African continent and the disastrous effects of the heavy burden of the external debt for the peoples of Africa, Asia and Latin America,

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights,

Deeply convinced that today more than ever, economic and social development and human rights are complementary elements leading to the same goal, that is, the maintenance of peace and justice among nations as the foundation for the ideals of freedom and well-being to which mankind aspires,

Reiterating that co-operation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including

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3/ Resolution 41/128, annex.

4/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

5/ A/44/551-S/20870, annex.

the right of every people to choose freely its own socio-economic and political system, is essential for the promotion of peace and development,

Convinced that the primary aim of such international co-operation must be the achievement by all human beings of a life of freedom and dignity and freedom from want,

Considering that the efforts of the developing countries for their own development should be supported by an increased flow of resources and by the adoption of appropriate and substantive measures for creating an external environment conducive to such development,

1. Reiterates its request that the Commission on Human Rights should continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms;

2. Affirms that a primary aim of international co-operation in the field of human rights is a life of freedom, dignity and peace for all peoples and for every human being, that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promoting and protecting the others;

3. Reaffirms that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights;

4. Reiterates once again that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals affected by situations such as those mentioned in paragraph 1 (e) of General Assembly resolution 32/130, paying due attention also to other situations of violations of human rights;

5. Reaffirms also that the right to development is an inalienable human right;

6. Reaffirms further that international peace and security are essential elements for achieving full realization of the right to development;

7. Recognizes that all human rights and fundamental freedoms are indivisible and interdependent;

8. Considers it necessary for all Member States to promote international co-operation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, with a view to solving international economic, social and humanitarian problems;

9. Urges all States to co-operate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms;

10. Reaffirms once again that, in order to facilitate the full enjoyment of all human rights without diminishing personal dignity, it is necessary to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as the adoption of measures at the international level, including the establishment of the new international economic order;

11. Decides that the approach to future work within the United Nations system on human rights matters should also take into account the content of the Declaration on the Right to Development and the need for the implementation thereof;

12. Decides also to include in the provisional agenda of its forty-sixth session the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

68th plenary meeting
14 December 1990

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/45/750)]

45/97. Right to development

The General Assembly,

Recalling the proclamation by the General Assembly at its forty-first session of the Declaration on the Right to Development, 1/

Recalling also its resolutions and those of the Commission on Human Rights relating to the right to development, and taking note of Commission resolution 1990/18 of 23 February 1990, 2/ endorsed by the Economic and Social Council by its decision 1990/225 of 25 May 1990,

Reiterating the importance of the right to development for all countries, in particular the developing countries,

Mindful that the Commission on Human Rights has entered a new phase in its consideration of this matter, which is directed towards the implementation and further enhancement of the right to development,

Having considered the report on the Global Consultation on the Realization of the Right to Development as a Human Right, 3/

1/ Resolution 41/128, annex.

2/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

3/ E/CN.4/1990/9/Rev.1.

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Aware of the interest in participation in the Global Consultation expressed by several Member States, specialized agencies and non-governmental organizations,

1. Takes note with interest of the report on the Global Consultation on the Realization of the Right to Development as a Human Right, which was organized by the Secretary-General in pursuance of General Assembly resolution 44/62 of 8 December 1989;

2. Expresses the hope that Governments, United Nations bodies and organs and specialized agencies and governmental and non-governmental organizations, including those active in development and human rights, will submit, at the request of the Secretary-General based on Commission on Human Rights resolution 1990/18, additional, updated and more specific views and concrete comments and proposals for further international and national action aimed at strengthening existing, or creating possible new, mechanisms for the promotion and protection of human rights, taking into account the ideas contained in chapter VII of the report on the Global Consultation and the views expressed on the issue during the debate at the forty-sixth session of the Commission, including the creation of a group of experts;

3. Reiterates the need for a continuing evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development;

4. Requests the Office of the Director-General for Development and International Economic Co-operation and the Centre for Human Rights to continue co-ordination of the various activities with regard to the implementation of the Declaration;

5. Urges all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

6. Urges the regional commissions and regional intergovernmental organizations to convene meetings of governmental experts and representative non-governmental and grass-roots organizations for the purpose of seeking agreement on arrangements for the implementation of the Declaration through international co-operation;

7. Requests the Secretary-General to inform the Commission on Human Rights at its forty-seventh session and the General Assembly at its forty-sixth session of the activities of the organizations of the United Nations system on the implementation of the Declaration;

8. Calls upon the Commission to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, taking into account the conclusions and recommendations of the Global Consultation and replies received;

9. Decides to consider this question at its forty-sixth session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

68th plenary meeting
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A/RES/45/98
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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/45/750)]

45/98. Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States

The General Assembly,

Recalling its resolutions 41/132 of 4 December 1986 and 43/123 of 8 December 1988,

Reaffirming the right of States and their peoples freely to choose and develop their political, social, economic and cultural systems and to determine their laws and regulations,

Recognizing the value of constructive dialogue in the national context on the ways and means by which States can promote the full enjoyment of the right of everyone to own property alone as well as in association with others,

Recognizing also in this context the importance of enabling everyone to acquire property, alone or in association with others, by taking practical actions that assist the economic development of developing countries,

Convinced that the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, 1/ and as reaffirmed in paragraph 4 of the Declaration on the Rights

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1/ Resolution 217 A (III).

of Disabled Persons 2/ and in article 16, paragraph 1 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, 3/ is of particular significance in fostering widespread enjoyment of other basic human rights and contributes to securing the goals of economic and social development enshrined in the Charter of the United Nations,

Reaffirming, in accordance with article 29 of the Universal Declaration of Human Rights, that, in the exercise of his or her rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition of and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society,

Taking note of the report of the Secretary-General on respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States, 4/

1. Recognizes that there exist in Member States many forms of legal property ownership, including private, communal, social and state forms, each of which should contribute to ensuring effective development and utilization of human resources by establishing sound bases for political, economic and social justice;

2. Affirms, in accordance with article 30 of the Universal Declaration of Human Rights, that nothing in the Declaration, including the right of everyone to own property alone as well as in association with others, may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms proclaimed therein;

3. Considers that further measures may be appropriate at the national level, consistent with national policies, to ensure respect for the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property, as set forth in article 17 of the Universal Declaration of Human Rights, so as to protect and preserve these rights in relation to the following types of property:

(a) Personal property, including the residence of one's self and family;

(b) Economically productive property, including property associated with agriculture, commerce and industry;

2/ Resolution 3447 (XXX).

3/ Resolution 34/180, annex.

4/ A/45/523.

4. Urges States, therefore, in accordance with their respective constitutional systems and the Universal Declaration of Human Rights, to provide, where they have not done so, adequate constitutional and legal provisions to protect the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property;

5. Requests the Commission on Human Rights, while addressing the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, 5/ to consider the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributes to the development of individual liberty and initiative, which serve to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms;

6. Decides to consider this question at its forty-seventh session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

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5/ See resolution 2200 A (XXI), annex.